

### REMARKS

Applicant requests favorable reconsideration and allowance of the application in view of the foregoing amendments and the following remarks.

#### Claims Status

Claims 1 through 14 are now pending in the application, with Claims 1 and 8 being independent. Claims 1 through 6 have been amended to even more succinctly define the disclosed invention and/or to place such in better form and Claims 7 through 14 have been added to accord Applicant an additional scope of protection commensurate with the disclosure. Applicant submits that support for these amendments can be found in the original disclosure, and therefore no new matter has been added.

#### Claim Objections

Claim 4 (sic Claim 5) has been objected to for the reasons set forth at page 2 of the Official Action. In response, Claim 5 has been amended *inter alia* to avoid the grounds of the objection.

Claims 5 and 6 have been objected to as being dependent on a rejected base claim. These claims remain in their dependent form inasmuch as it is believed that Claim 1, from which they depend, will be found to be allowable.

#### Claim Rejections

Claims 1, 2, and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by 5,109,254 (Oka, et al.).

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Oka, et al. in view of U.S. Patent No. 5,564,607 (Miller, et al. '607).

The rationale underlying both rejections is succinctly set forth in the Official Action.

#### Response to Rejections

The rejections are respectfully traversed.

Amended Claim 1 calls for a developer supply container detachably mountable to an image forming apparatus that includes a container body that contains a developer; a discharge opening that permits discharge of the developer from the container body; and shutter means that unseals and seals the discharge opening. The shutter means includes a first shutter member and a second shutter member, which are engageable with each other to form a resealable shutting portion at a position facing the discharge opening.

Oka discloses a developer cartridge 6 including a cartridge side shutter member 5 for opening and closing openings 18 and 19 of the developer cartridge. Oka also discloses a developing container 2 including a shutter member 4 for opening and closing an upper opening 2A<sub>1</sub> and a lower opening 2A<sub>2</sub> of the developing container, which receives a supply of the developer from the developer cartridge 6.

However, Applicant respectfully submits that Oka does not disclose or suggest a developer supply container that includes shutter 4 and shutter 5. Therefore, Oka fails to disclose or suggest a developer container that comprises a shutter means including a first shutter member and a second shutter member as recited in amended Claim 1. Accordingly, Oka does not anticipate the claimed invention.

Miller, et al. '607 is merely cited for disclosing a feature recited in dependent Claim 3. It is respectfully submitted that Miller, et al. '607 does not overcome the deficiencies of Oka as above-noted with respect to amended Claim 1.

It is also respectfully submitted that the combination rejection is not well founded. The Examiner has provided a *rationalization* for combining the teachings of the cited art based on the benefits of doing so. A combination rejection is proper only when there is some suggestion or motivation in the cited art *per se* to cause one having ordinary skill in the art to combine the teachings of the cited art. There is nothing in the cited art which supports the position that it can be combined in the manner suggested. Even if the art could be so combined, the mere fact that the art can be combined is not sufficient if there is no suggestions in the art that such a combination is desirable. For example, see ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

In view of the foregoing, it is respectfully submitted that amended Claim 1 is allowable over the cited art whether taken individually or in combination.

#### Independent Claim 8

Newly presented independent Claim 8 is directed to a developer supply container detachably mountable to an image forming apparatus similar to amended Claim 1. However, Claim 8 calls for a developer discharge opening provided in a peripheral surface of the container body for permitting discharge of the developer in the container body toward a developer receiving opening of the image forming apparatus. Claim 8 also calls for a shutter means for unsealing and sealing the developer discharging opening. The shutter means includes a first shutter member and a second shutter member, which are engageable with each other to form a resealable shutting portion at a position facing the discharge opening.

It is respectfully submitted that Claim 8 is allowable over the cited art for at least the same reasons as above-given with respect to amended Claim 1.

Dependent Claims

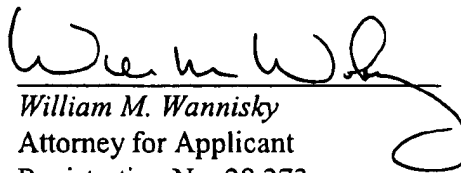
Claims 2 through 7 depend either directly or indirectly from one of Claims 1 and 8 and are allowable by virtue of their dependency and in their own right for further defining Applicant's invention. Individual consideration of the dependent claims is respectfully requested.

Closing Comments

It is respectfully submitted that the claims on file are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration, withdrawal of the objections and rejections, and early passage to issue of the present application are earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our New York office at the below-listed address.

Respectfully submitted,

  
William M. Wannisky  
Attorney for Applicant  
Registration No. 28,373

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

WMW/mj/tas

DC\_MAIN 175791v1